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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/876,433

06/07/2001

George Williams

P00044501

8968

27689

7590

09/08/2004

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K.S.

**Office Action Summary**

Application No.

09/876,433

Applicant(s)

WILLIAMS ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Examiner's Response***

1. In response to applicant's amendment filed 6-14-04, all the amendments to the claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culpepper '807 (US 4021807) in combination with Carter (US 3828341). Regarding claims 1 and 9 Culpepper '807 discloses a beacon tracking system with a transmitter placed in a packet of currency and activated by removal from a cash drawer to send a homing signal detected by a receiver located with the police to indicate an alarm and location of the stolen object. The transmitter is on a thin polyimide film that is considered to be flexible. See the abstract and col. 4. Culpepper '807 differs from the claims of the instant application by activating the transmitter upon removal from a cash drawer rather than activating the transmitter in response to activation means adjacent to the exit

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doors of a facility. Carter discloses an analogous art apparatus for detecting unauthorized removal of property including activation of an alarm transmitter upon removal of the property through an exit. See the abstract and col. 2 lines 47-68 and col. 12 lines 2-8. Col. 1 of Carter discusses alarm activation by removal from a teller's drawer, as proved by Culpepper, having problem such as improper activation that are solved by the invention of Carter. The system of Carter includes activation means in the form of a source of radiation 46 positioned adjacent to the exit 16 in col. 4 lines 32-45. The device on the article of Carter includes a means to determine if the article is in an area in the form of receiver 80 and other circuitry to detect radiation from source 46 in col. 5 line 65 - col. 6 line 9. The circuitry triggers the alarm when the article leaves the area in col. 5 lines 30-64 and col. 10 line 44 - col. 11 liner 8. Col. 12 lines 2-8 of Carter discloses that the alarm activation may include activation of a transmitter on the article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the system of Culpepper '807 the activation means of Carter and to include in the article tracking device of Culpepper '807 the means to determine if the article is in an area of Carter in order to solve the problems of activation in

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response to removal from a drawer such as improper alarm activation by advantageously preventing activation of the packet until it has entered and been removed from the area in the area of the exit.

4. Claims 3, 5-6, 11, 14-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culpepper '807 (US 4021807) and Carter (US 3828341) as applied above in combination with Norris (US 5689269). Norris discloses an analogous art position detection including a GPS receiver with tracked device to transmit GPS location data that is more accurate than the location method of Culpepper '807 inc cols. 1-2. Note that col. 1 lines 22-43 that directly refers to the Culpepper '807 patent. GPS is included in the abstract and cols. 3-4 to communicate with a device in a vehicle such as a police car.

Regarding claims 3, 5-6, 11, 14-16 and 18-19, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Culpepper '807 transmitting GPS location data in view Norris disclosing this to provide increased accuracy of the location determination in Culpepper '807. Further regarding claim 5 Culpepper '807 includes battery 62 and antenna 88 and Norris includes GPS output. Further regarding claim 6, Norris includes a programmable processor in the form of an embedded controller 425

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with flash memory 402 which would have been obvious in the combination in order to process the GPS data.

5. Claims 4, 7-8, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culpepper '807 (US 4021807) and Carter (US 3828341) as applied above and further in combination with Anders (US 4656463). Anders discloses an analogous art system with a passive transceiver or transponder that may be placed in currency (cols. 7 and 36) can be located with homing triangulation (cols. 4, 24, and 32) and sealed container in col. 4. Regarding claim 4, waterproof would have been obvious in view of the sealed container of Anders to protect the circuitry. Regarding claim 7 and 8, transponder would have been obvious in order to remotely interrogate the tag and different frequencies reduce interference. Regarding claims 10 and 20, Anders discloses homing triangulation as an alternative method of location.

6. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Culpepper '807 (US 4021807), Carter (US 3828341) and Norris (US 5689269) as applied above and further in combination with Anders (US 4656463). Anders is discussed above. If transmitting location data of claim 14 is not clear in Anders, then such would have been obvious in view of the combination with Norris as applied to claim 14.

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7. Claims 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culpepper '807 (US 4021807), Carter (US 3828341) and Norris (US 5689269) as applied above and further in combination with Otto (US 5870029). Otto discloses an analogous art remote mobile monitoring system with currency tracking in col. 1, TDOA in col. 4 and cellular in cols. 2 and 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included TDOA and cellular in the combination applied above in view of Otto disclosing these as obvious alternative manners to determine location.

***Response to Arguments***

8. Applicant's arguments filed 6-14-04 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Carter discloses in analogous art the new limitations of activation means adjacent to exit doors and means to determine if the transmitter is in the area added by applicant's amendment and argued by application to not be disclosed by Culpepper '807. Therefore the arguments are moot in view of the combination of Culpepper '807 and Carter to solve the problem of improper or false alarms by allowing movement within the facility, but automatically activating an alarm when moved through a door.

The additional argument that Culpepper '807 is limited to

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cash packets is not persuasive because col. 1 of Culpepper '807 discusses other applications.

The 112 rejection is overcome by applicant's amendment.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernhardt (US 4559529), Sanderford (US 4604607) and Keniston (US 5196828) disclose cash packets activated by RF radiation at exit doors. Vercellotti (US 5317309) discloses a transponder beacon mode activated by portal transmitters at entrance/exit.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated



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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.



EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
ART UNIT 2635

EH  
9/6/04